

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Misc.No.M-26481 of 2015

Date of Decision: September 15, 2015

Kesar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.S.S.Brar, Advocate,
for the petitioner.

Mr.P.S.Ghuman, Addl.AG, Punjab.

Informant in person along with
Mr.I.P.S.Kohli, Advocate.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Kesar Singh (father-in-law), who has been booked for having committed the offences punishable under Sections 377, 406 and 498-A, IPC, in a case arising out of FIR No.80, dated 20.07.2015, registered at Police Station, Sadar, Rupnagar.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value then also the ingredients of Section 377, IPC, are not attracted qua the petitioner; the son of the petitioner i.e husband of the complainant, Kulbir Kaur, was arrested and granted bail; and that all the adult members from in-laws side

of Kulbir Kaur have been implicated in the present case. He further contends that in compliance of the interim directions dated 11.08.2015 issued by this Court, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from HC Jaswinder Singh, Police Station, Sadar, Rupnagar, submits that the petitioner has joined the investigation and is no more required for custodial interrogation. He further submits that despite the request of the police, the informant has refused to collect the dowry articles as per statement dated 27.07.2015.

Learned counsel for the informant, after taking instructions from her (informant) has opposed the grant of anticipatory bail to the petitioner. However, he could not justify as to why the custody of the petitioner is required.

In view of the totality of the facts and circumstances of the case, the present petition is allowed. Interim directions issued by this Court vide order dated 11.08.2015 are made absolute.

The petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions as laid down under Section 438(2), Cr.P.C.

Since learned counsel for the informant insists that there are bright chances of compromise, therefore, the Presiding Officer, Lok Adalat, Rupnagar, is directed to make sincere efforts to resolve the matrimonial dispute going on between the private parties in the present case if the informant, Kulvir Kaur, appears

before the Lok Adalat and moves an application in that regard.

Learned counsel for the petitioner has no objection to the above prayer made by learned counsel for the informant.

September 15,2015
seema

(Naresh Kumar Sanghi)
Judge